

JPW



PATENT
Docket No. 1232-5349

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Atsushi OKUYAMA, et al.

Group Art Unit: 2851

Serial No.: 10/807,814

Examiner: Andrew T. SEVER

Filed: March 23, 2004

For: COLOR SPLITTING/COMBINING OPTICAL SYSTEM AND IMAGE PROJECTING APPARATUS

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In the In response to the Election Requirement mailed July 14, 2005 in the above-identified application, kindly consider the following election:

ELECTION:

The Examiner, in the Office Action dated July 14, 2005, required election of one of the following species:

Specie I: Figure 1;
Specie II: Figure 4;
Specie III: Figure 6;
Specie IV: Figure 9;
Specie V: Figure 11;
Specie I: Figure 14;
Specie II: Figure 16;
Specie III: Figure 19;
Specie IV: Figure 21; and
Specie V: Figure 24.

In response to the Examiner's requirement, Applicants hereby provisionally elect Specie I, shown in Figure 1 which reads on all pending Claims 1-17. Applicants respectfully request examination of **claims 1-17** on the merits. This election is made traverse.

Applicants respectfully submit that for such a requirement to be proper, "[t]here must be a serious burden on the examiner if restriction is not required." MPEP §803. Applicants respectfully submit that (1) all groups of restricted claims are properly presented in the same application; (2) undue diverse searching should not be required; and (3) all claims should be examined together. For the foregoing reasons, it is respectfully submitted that the restriction/election requirement should be withdrawn and an action on the merits of all the claims is respectfully solicited.

If any issues exist, or if the Examiner has any suggestions for expediting allowance of the application, the Examiner is invited to contact the undersigned at the telephone number below.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for timely consideration of this paper, or credit any overpayment to Deposit Account No. 13-4503, Order No. 1232-5349.

Dated: 8/15/05

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

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